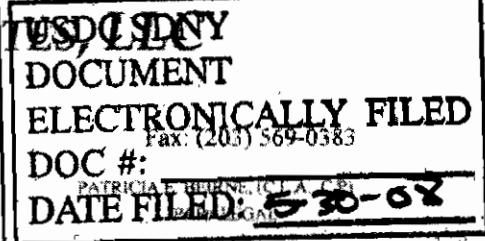


LAW OFFICES

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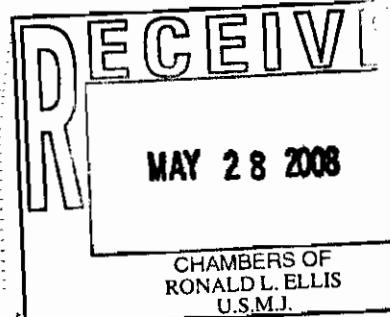
Telephone: (203) 324-2296

THOMAS J. HICKEY  
STEPHAN E. SEEGER

May 27, 2008

**HAND DELIVERED**

Hon. Ronald L. Ellis  
United States Magistrate Judge  
Southern District of New York  
c/o Ms. Brook Kelly  
500 Pearl Street-Room 18 D  
New York, NY 10007



**RE: Marciano v Morgan Stanley Discover Financial Services**  
**Civil No: 07 CV 0655 (SAS) (RLE)**

6655

Dear Ms. Kelly:

Thank you for your call today concerning the above captioned case. We were formally engaged on Thursday May 22, 2008, and I have only collected Mr. Marciano's full file as of today. My understanding is that there is a Settlement Conference Order requiring the parties' attendance on Thursday May 29, 2008. In addition to our recent engagement, I have three other matters in Stamford Criminal Court (Part A), and one Grand Jury proceeding in White Plains which would conflict with the Settlement Conference. These matters, naturally, are not ones which were scheduled in contemplation of the Court's Order, or our representation of Mr. Marciano in this matter--these scheduled Court appearances predate our representation of Mr. Marciano.

Accordingly, I have communicated with Counsel requesting consent to a continuance of this scheduled conference. Attorney DiGia has consented to this adjournment in order to permit some time to review the file, discuss the issues and possible resolution, and to increase the likelihood of a more fruitful settlement conference. Upon consultation with his client, Morgan Stanley Discover Financial Services, Attorney DiGia was able to communicate his client's adjournment consent to me as of this morning.

This is the first adjournment request, and I would respectfully request that the Court consider this request to be in the interest of all the parties, and in keeping with the goals and purposes of a settlement conference. Accordingly, and with the consent of opposing Counsel, I would request that the Court consider an adjournment to June 10 (afternoon), June 11, or June 12, 2008. These are dates upon which Counsel can be made available with respective clients present. I will be available to field a call regarding any alternative dates in the event that these ones do not comport with the Court's calendar, of course, and would undertake to communicate with Counsel regarding the same forthwith.

Thank you in advance for your consideration of this borderline untimely request, and for considering the same against the backdrop of the circumstances mentioned above. I can be reached directly at 203-273-5170, and I look forward to speaking with Chambers whenever necessary; until then, I remain,

respectfully,

  
Stephan E. Seeger

c.c. Kenneth DiGia, Esq.  
Kevin Brady, Esq.  
(via fax and U.S. Mail)

Conference adjourned  
to 7-22-08 at 11 a.m.

**SO ORDERED**

 5-30-08

MAGISTRATE JUDGE RONALD L. ELLIS